

ESTTA Tracking number: **ESTTA306030**

Filing date: **09/14/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

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| Name | Nycomed GmbH |
| Granted to Date of previous extension | 09/13/2009 |
| Address | Byk-Gulden-Str. 2 Konstanz, 78467 GERMANY |

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| Attorney information | Darren W. Saunders Hiscock & Barclay LLP Seven Times Square New York, NY 10036 UNITED STATES dsaunders@hblaw.com, trademarks@hblaw.com, jbernard@hblaw.com Phone:212-784-5800 |
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Applicant Information

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|------------------------|--|------------------------|------------|
| Application No | 77598990 | Publication date | 03/17/2009 |
| Opposition Filing Date | 09/14/2009 | Opposition Period Ends | 09/13/2009 |
| Applicant | Avalign Technologies, Inc. 272 E. Deerpath Road Suite 208 Lake Forest, IL 60045 UNITED STATES | | |

Goods/Services Affected by Opposition

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| Class 010. All goods and services in the class are opposed, namely: surgical instruments for use in a variety of surgical fields including but not limited to cardiovascular, thoracic, ENT, orthopaedic, ophthalmic, endoscopic, neuro, spine, dental, urological and plastic surgery and subassemblies and components therefor, accessories for surgical instruments, namely, brackets, clamps, handlers, extractors and retractors; surgical implants comprising of artificial material and components therefor, surgical needles and sharps, surgical precision-ground guide wires and tubing in the nature of surgical tubing for vascular access and drug delivery |
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Grounds for Opposition

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| Priority and likelihood of confusion | Trademark Act section 2(d) |
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Marks Cited by Opposer as Basis for Opposition

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| U.S. Registration No. | 3476907 | Application Date | 02/07/2007 |
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|---------------------|---|-----------------------|------------|
| Registration Date | 07/29/2008 | Foreign Priority Date | 01/17/2007 |
| Word Mark | NYCOMED | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 005. First use: Pharmaceutical preparations for the treatment of diseases and conditions of the respiratory system, the gastro-intestinal system, the endocrine system, the cardiovascular system, the nervous system, central nervous system, the urinary system, the integumentary system, the reproductive system, the metabolic system, the immune system, the genitourinary system; pharmaceutical preparations for wounds; pharmaceutical products and preparations for chloasma; pharmaceutical products for the treatment of viral and infectious diseases; pharmaceutical preparations for use in urology; pharmaceutical preparations for the treatment and/or prevention of bone diseases, bacteria-based diseases, cancer, diabetes, osteoporosis, hormonal disorders, pain, inflammatory diseases, rheumatism, low blood pressure, coronary artery diseases, diseases of the musculoskeletal system, infectious diseases, allergic rhinitis and asthma, diabetes, skin disorders, dermatology; pharmaceutical preparations for use in oncology, haematology and in tissue and organ transplantation; antibiotics, analgesics, antirheumatics, antiphlogistics, narcotics, antiallergics, antimycotics, psychotropics; otologics, ophthalmic, anti-infective preparations, antiviral preparations, antifungal preparations and vaccines; calcium supplements; calcium supplements for medical use, namely, calcium carbonate; mineral supplements for medical use; vitamin and mineral preparations for medical use, namely, magnesium for medical use; diagnostic preparations for medical and veterinary use; sanitary preparations for medical purposes; dietetic substances and preparations, namely, food, adapted for medical use; vitamins and vitamin preparations; food for babies; medical plasters; gauze and bandages for dressing</p> <p>Class 010. First use: Surgical and medical apparatus and instruments for use in general surgery and parts and fittings therefore; implants consisting of artificial materials; artificial orthopaedic joint implant; surgical sponges, tissue sealants and haemostatics for surgical use, namely, tissue adhesive for surgical use, surgical haemostatic collagen sponges and wound fleece for suture support; sutures</p> <p>Class 041. First use: Education, instruction and training services, namely, providing classes, seminars, workshops and individual training within the field of medicine, pharmacy and healthcare; medical training and teaching; publication of books, magazines, newsletters, brochures, journals, periodicals and catalogues as well as publication of electronic publications, magazines, brochures and catalogues within the field of medicine, pharmacy, lifestyle and healthcare; organisation and performing of congresses, conferences and seminars within the field of medicine, pharmacy, lifestyle and healthcare</p> <p>Class 042. First use: Scientific and technological research and design services within the field of medicine, pharmacy and healthcare; industrial analysis and research services within the field of medicine, pharmacy and healthcare</p> <p>Class 044. First use: Medical services; hygienic and beauty care for human beings or animals, namely, skin care for humans and animal grooming services; providing of advice within the field of medicine, pharmacy and healthcare, medical counselling and</p> | | |

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| | consultancy | | |
| U.S. Registration No. | 3100977 | Application Date | 04/08/2005 |
| Registration Date | 06/06/2006 | Foreign Priority Date | NONE |
| Word Mark | NYCOMED | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 005. First use: Pharmaceutical preparations and substances for the treatment or deficiency of calcium or vitamins, for the treatment of osteoporosis, gastro-intestinal diseases, pain and inflammatory diseases, rheumatism, low blood pressure, coronary artery diseases, respiratory distress syndrome in premature infants, cancer, common cold, influenza, diseases in the musculo-skeletal system; analgesics; haemostatic preparations; wound dressing; wound sponges; tissue sealants; dietary supplement for medical use; calcium minerals for medical use; calcium carbonate for medical use; magnesium minerals for medical use; vitamins and vitamin preparations for medical use; minerals for medical use; diagnostic preparation for medical use; contrast media for medical imaging, drugs for blood and blood forming organs for anti-clotting; preparations for treatment of disorders in the cardiovascular system</p> <p>Class 010. First use: Surgical implants containing artificial material, surgical sponges, wound fleece for suture support</p> | | |
| U.S. Registration No. | 1546929 | Application Date | 08/31/1987 |
| Registration Date | 07/11/1989 | Foreign Priority Date | NONE |
| Word Mark | NYCOMED | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 001. First use: DIAGNOSTIC REAGENTS FOR SCIENTIFIC USE</p> <p>Class 005. First use: [PHARMACEUTICAL PREPARATIONS, NAMELY, X-RAY CONTRAST AGENTS AND ANTI-INFLAMMATORY PREPARATIONS]</p> <p>Class 009. First use: [SCIENTIFIC APPARATUS FOR COAGULATION TESTING]</p> | | |

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| | Class 010. First use: [MEDICAL IMPLANTS FOR ORTHOPEDIC SURGERY, ORTHOPEDIC REHABILITATION EXERCISE MACHINES, AND INTRAVASCULAR CATHETERS] |
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| Attachments | 79041980#TMSN.gif (1 page)(bytes) 79012435#TMSN.jpeg (1 page)(bytes) NEMCOMED Notice of Opposition.pdf (11 pages)(331405 bytes) |
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

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| Signature | /darren w. saunders/ |
| Name | Darren W. Saunders |
| Date | 09/14/2009 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 77/598,990
Published in the Official Gazette of March 17, 2009

Atty. Ref.: 720948.3039653

----- :
Nycomed GmbH, :

Opposer, :

Opposition No.:

-against- :

Avalign Technologies, Inc., :

Applicant. :

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I hereby certify that this correspondence is being transmitted by
electronic mail to the United States Patent and Trademark Office on April
8, 2009.

By: s/Darren W. Saunders

Darren W. Saunders, Attorney for Opposer

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Nycomed GmbH, a German corporation, with a place of business located at Byk-Gulden-Strasse 2, Konstanz, Germany 78467 (hereinafter "Opposer"), believes that it will be damaged by registration of the proposed trademark "NEMCOMED", as shown in Application Serial Number 77/598,990, filed October 23, 2008, and hereby opposes same.

As grounds for opposition, Opposer alleges that:

1. Avalign Technologies, Inc., a Delaware corporation (hereinafter "Applicant") has filed an application in the United States Patent and Trademark Office on October 23, 2008 under Appl. Ser. No. 77/598,990, for registration of the alleged trademark "NEMCOMED" on the Principal Register identifying "surgical instruments for use in a variety of surgical fields

including but not limited to cardiovascular, thoracic, ENT, orthopaedic, ophthalmic, endoscopic, neuro, spine, dental, urological and plastic surgery and subassemblies and components therefor, accessories for surgical instruments, namely, brackets, clamps, handlers, extractors and retractors; surgical implants comprising of artificial material and components therefor, surgical needles and sharps, surgical precision-ground guide wires and tubing in the nature of surgical tubing for vascular access and drug delivery” (Int’l. Cl. 10), with an allegation of an intention to use the mark, under section 1(b) of the Trademark Act, on the aforementioned goods in commerce.

2. Upon information and belief, Applicant has not used its alleged trademark on its identified goods or otherwise, anywhere in the United States of America or in commerce, prior to the U.S. filing date.

3. Opposer is the owner numerous federal, foreign, and international registrations for NYCOMED and NYCOMED and Device, including the following registrations, which are attached as Exhibit A, subsisting on the Principal Register of U.S. Patent and Trademark Office:

- U.S. Registration No. 3,476,907 for the trademark “NYCOMED” registered on July 29, 2008, identifying, “Pharmaceutical preparations for the treatment of diseases and conditions of the respiratory system, the gastro-intestinal system, the endocrine system, the cardiovascular system, the nervous system, central nervous system, the urinary system, the integumentary system, the reproductive system, the metabolic system, the immune system, the genitourinary system; pharmaceutical preparations for wounds; pharmaceutical products and preparations for chloasma; pharmaceutical products for the treatment of viral and infectious diseases; pharmaceutical preparations for use in urology; pharmaceutical preparations for the treatment and/or prevention of bone diseases, bacteria-based diseases, cancer, diabetes, osteoporosis, hormonal disorders, pain, inflammatory diseases, rheumatism, low blood pressure, coronary artery diseases, diseases of the musculoskeletal system, infectious diseases, allergic rhinitis and asthma, diabetes, skin disorders, dermatology; pharmaceutical preparations for use in oncology, hematology and in tissue and organ transplantation; antibiotics, analgesics, antirheumatics, antiphlogistics, narcotics, antiallergics, antimycotics, psychotropics; otologies, ophthalmic, anti-infective preparations, antiviral preparations, antifungal preparations and vaccines; calcium supplements; calcium supplements for medical use, namely, calcium carbonate; mineral

supplements for medical use; vitamin and mineral preparations for medical use, namely, magnesium for medical use; diagnostic preparations for medical and veterinary use; sanitary preparations for medical purposes; dietetic substances and preparations, namely, food, adapted for medical use; vitamins and vitamin preparations; food for babies; medical plasters; gauze and bandages for dressing,” (Int’l Cl. 5); “surgical and medical apparatus and instruments for use in general surgery and parts and fittings therefore; implants consisting of artificial materials; artificial orthopaedic joint implant; surgical sponges, tissue sealants and haemostatics for surgical use, namely, tissue adhesive for surgical use, surgical haemostatic collagen sponges and wound fleece for suture support; sutures” (Int’l Cl. 10); “education, instruction and training services, namely, providing classes, seminars, workshops and individual training within the field of medicine, pharmacy and healthcare; medical training and teaching; publication of books, magazines, newsletters, brochures, journals, periodicals and catalogues as well as publication of electronic publications, magazines, brochures and catalogues within the field of medicine, pharmacy, lifestyle and healthcare; organisation and performing of congresses, conferences and seminars within the field of medicine, pharmacy, lifestyle and healthcare,” (Int’l Cl. 41); “scientific and technological research and design services within the field of medicine, pharmacy and healthcare; industrial analysis and research services within the field of medicine, pharmacy and healthcare” (Int’l Cl. 42); and “Medical services; hygienic and beauty care for human beings or animals, namely, skin care for humans and animal grooming services; providing of advice within the field of medicine, pharmacy and healthcare, medical counselling and consultancy” (Int’l Cl. 44);

- U.S. Registration No. 3,100,977 for the trademark “NYCOMED” and Device registered on June 6, 2006, identifying, “pharmaceutical preparations and substances for the treatment or deficiency of calcium or vitamins, for the treatment of osteoporosis, gastro-intestinal diseases, pain and inflammatory diseases, rheumatism, low blood pressure, coronary artery diseases, respiratory distress syndrome in premature infants, cancer, common cold, influenza, diseases in the musculo-skeletal system; analgesics; haemostatic preparations; wound dressing; wound sponges; tissue sealants; dietary supplement for medical use; calcium minerals for medical use; calcium carbonate for medical use; magnesium minerals for medical use; vitamins and vitamin preparations for medical use; minerals for medical use; diagnostic preparation for medical use; contrast media for medical imaging, drugs for blood and blood forming organs for anti-clotting; preparations for treatment of disorders in the cardiovascular system (Int’l Cl. 5); and “surgical implants containing artificial material, surgical sponges, wound fleece for suture support” (Int’l Cl. 10); and
- U.S. Registration No. 1,546,929 for the trademark “NYCOMED” registered on July 11, 1989, identifying “diagnostic reagents for scientific use” (Int’l. Cl. 1).

Registration No. 1,546,929 has become incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. §1065; Opposer hereby give notice that, in accordance with Trademark Rule 2.122(d),

it will rely on said registrations as evidence on its behalf in this proceeding, and a status copy thereof will be introduced during Opposer's testimony period.

4. There is no issue of priority since the filing date of Applicant's "NEMCOMED" trademark application is subsequent to the registration dates of Opposer's "NYCOMED" and "NYCOMED" and Device trademark registrations.

5. Opposer has used the trademarks "NYCOMED" and "NYCOMED" and Device in interstate commerce on its goods and services prior to the filing date of Applicant's "NEMCOMED" trademark application.

6. Opposer's pleaded trademarks "NYCOMED" and "NYCOMED" and Device are inherently distinctive and represent an extremely valuable asset and symbol of the goodwill of its business by identifying goods and services which have their source of origin exclusively with Opposer, and by distinguishing such goods and services from those of others.

7. Applicant's alleged trademark "NEMCOMED" is so similar to Opposer's pleaded trademarks in sound, appearance, and commercial impression, as to be likely to cause confusion as to the source of goods bearing the respective marks.

8. The goods and services of Opposer and goods of Applicant are identical and/or related, and are likely to travel through the same channels of trade for sale to or use by the same general class of purchasers and/or users.

9. Applicant's alleged trademark is likely to cause irreparable loss, injury and damage to Opposer's business, to the expansion thereof, and to any goodwill attributable thereto, as symbolized and recognized by its aforementioned trademark.

10. Applicant's alleged trademark is a colorable imitation and misappropriation of Opposer's pleaded trademark, and will enable Applicant to trade on the goodwill of Opposer's business, as symbolized and recognized by its aforementioned trademark.

11. Applicant's alleged trademark consists of or comprises a mark which so resembles the mark previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the Applicant, to cause confusion, or to cause mistake, or to deceive.

IN CONCLUSION, Opposer, by its undersigned attorneys, prays that its opposition to Application Serial No. 77/598,990 be sustained and that the Trademark Trial and Appeal Board grant any and all further relief to Opposer that the Board finds to be necessary and just in the circumstances.

The opposition filing fee of \$300 is being paid by credit card, and the Commissioner is hereby authorized to charge Deposit Account No. 50-3010 in the event that it is not possible to process the credit card payment, or in the event that any other fees are required to be paid in connection with this proceeding.

Respectfully submitted,
Nycomed GmbH

Dated: September 14, 2009

By: s/ Darren W. Saunders

Darren W. Saunders

HISCOCK & BARCLAY, LLP

Seven Times Square

New York, NY 10036

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E-Mail: dsaunders@hblaw.com

Attorneys for Opposer

Atty. Ref.: 720948.3039653
Ser. No.: 77/598,990
Mark: NEMCOMED

CERTIFICATE OF SERVICE

I hereby certify that on this the 14th day of September, 2009, I served a true and correct copy of the foregoing NOTICE OF OPPOSITION, via First Class U.S. Mail, postage prepaid, upon the Applicant's attorney of record:

Donna Rubelmann
Rubelmann & Associates, PC
Suite 45
501 Herondo Street
Hermosa Beach CA 90254

By: s/Alpa V. Patel
Alpa V. Patel

EXHIBIT A

Int. Cls.: 5, 10, 41, 42 and 44

Prior U.S. Cls.: 6, 18, 26, 39, 44, 46, 51, 52, 100, 101
and 107

Reg. No. 3,476,907

United States Patent and Trademark Office

Registered July 29, 2008

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

NYCOMED

NYCOMED PHARMA AS (NORWAY AKSJE-
SELSKAP (AS))
DRAMMENSVEIEN 852
N-1372 ASKER
NORWAY

FOR: PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF DISEASES AND CONDITIONS OF THE RESPIRATORY SYSTEM, THE GASTRO-INTESTINAL SYSTEM, THE ENDOCRINE SYSTEM, THE CARDIOVASCULAR SYSTEM, THE NERVOUS SYSTEM, CENTRAL NERVOUS SYSTEM, THE URINARY SYSTEM, THE INTEGUMENTARY SYSTEM, THE REPRODUCTIVE SYSTEM, THE METABOLIC SYSTEM, THE IMMUNE SYSTEM, THE GENITOURINARY SYSTEM; PHARMACEUTICAL PREPARATIONS FOR WOUNDS; PHARMACEUTICAL PRODUCTS AND PREPARATIONS FOR CHLOASMA; PHARMACEUTICAL PRODUCTS FOR THE TREATMENT OF VIRAL AND INFECTIOUS DISEASES; PHARMACEUTICAL PREPARATIONS FOR USE IN UROLOGY; PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT AND/OR PREVENTION OF BONE DISEASES, BACTERIA-BASED DISEASES, CANCER, DIABETES, OSTEOPOROSIS, HORMONAL DISORDERS, PAIN, INFLAMMATORY DISEASES, RHEUMATISM, LOW BLOOD PRESSURE, CORONARY ARTERY DISEASES, DISEASES OF THE MUSCULOSKELETAL SYSTEM, INFECTIOUS DISEASES, ALLERGIC RHINITIS AND ASTHMA, DIABETES, SKIN DISORDERS, DERMATOLOGY; PHARMACEUTICAL PREPARATIONS FOR USE IN ONCOLOGY, HAEMATOLOGY AND IN TISSUE AND ORGAN TRANSPLANTATION; ANTIBIOTICS, ANALGESICS, ANTIRHEUMATICS, ANTIPHLOGISTICS, NARCOTICS, ANTIALLERGICS, ANTIMYCOTICS, PSYCHOTROPICS; OTOLOGICS, OPHTHALMIC, ANTI-INFECTIVE PREPARATIONS, ANTIVIRAL PREPARATIONS, ANTIFUNGAL PREPARATIONS AND VACCINES; CALCIUM SUPPLEMENTS; CALCIUM SUPPLEMENTS FOR MEDICAL USE, NAMELY, CALCIUM CARBONATE; MINERAL SUPPLEMENTS FOR MEDICAL

USE; VITAMIN AND MINERAL PREPARATIONS FOR MEDICAL USE, NAMELY, MAGNESIUM FOR MEDICAL USE; DIAGNOSTIC PREPARATIONS FOR MEDICAL AND VETERINARY USE; SANITARY PREPARATIONS FOR MEDICAL PURPOSES; DIETETIC SUBSTANCES AND PREPARATIONS, NAMELY, FOOD, ADAPTED FOR MEDICAL USE; VITAMINS AND VITAMIN PREPARATIONS; FOOD FOR BABIES; MEDICAL PLASTERS; GAUZE AND BANDAGES FOR DRESSING, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FOR: SURGICAL AND MEDICAL APPARATUS AND INSTRUMENTS FOR USE IN GENERAL SURGERY AND PARTS AND FITTINGS THEREFORE; IMPLANTS CONSISTING OF ARTIFICIAL MATERIALS; ARTIFICIAL ORTHOPAEDIC JOINT IMPLANT; SURGICAL SPONGES, TISSUE SEALANTS AND HAEMOSTATICS FOR SURGICAL USE, NAMELY, TISSUE ADHESIVE FOR SURGICAL USE, SURGICAL HAEMOSTATIC COLLAGEN SPONGES AND WOUND FLEECE FOR SUTURE SUPPORT; SUTURES, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FOR: EDUCATION, INSTRUCTION AND TRAINING SERVICES, NAMELY, PROVIDING CLASSES, SEMINARS, WORKSHOPS AND INDIVIDUAL TRAINING WITHIN THE FIELD OF MEDICINE, PHARMACY AND HEALTHCARE; MEDICAL TRAINING AND TEACHING; PUBLICATION OF BOOKS, MAGAZINES, NEWSLETTERS, BROCHURES, JOURNALS, PERIODICALS AND CATALOGUES AS WELL AS PUBLICATION OF ELECTRONIC PUBLICATIONS, MAGAZINES, BROCHURES AND CATALOGUES WITHIN THE FIELD OF MEDICINE, PHARMACY, LIFESTYLE AND HEALTHCARE; ORGANISATION AND PERFORMING OF CONGRESSES, CONFERENCES AND SEMINARS WITHIN THE FIELD OF MEDICINE, PHARMACY, LIFESTYLE AND HEALTHCARE, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FOR: SCIENTIFIC AND TECHNOLOGICAL RESEARCH AND DESIGN SERVICES WITHIN THE FIELD OF MEDICINE, PHARMACY AND HEALTHCARE; INDUSTRIAL ANALYSIS AND RESEARCH SERVICES WITHIN THE FIELD OF MEDICINE, PHARMACY AND HEALTHCARE , IN CLASS 42 (U.S. CLS. 100 AND 101).

FOR: MEDICAL SERVICES; HYGIENIC AND BEAUTY CARE FOR HUMAN BEINGS OR ANIMALS, NAMELY, SKIN CARE FOR HUMANS AND ANIMAL GROOMING SERVICES; PROVIDING OF ADVICE WITHIN THE FIELD OF MEDICINE, PHARMACY AND HEALTHCARE, MEDICAL COUNSELLING AND CONSULTANCY, IN CLASS 44 (U.S. CLS. 100 AND 101).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY DATE OF 1-17-2007 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0932977 DATED 2-7-2007, EXPIRES 2-7-2017.

OWNER OF U.S. REG. NOS. 1,546,929, 2,124,835, AND 3,100,977.

SER. NO. 79-041,980, FILED 2-7-2007.

AISHA SALEM, EXAMINING ATTORNEY

Int. Cls.: 5 and 10

Prior U.S. Cls.: 6, 18, 26, 39, 44, 46, 51 and 52

United States Patent and Trademark Office

Reg. No. 3,100,977

Registered June 6, 2006

TRADEMARK
PRINCIPAL REGISTER



NYCOMED PHARMA AS (NORWAY CORPORATION)
DRAMMESVEIEN 852
N-1372 ASKER
NORWAY

FOR: PHARMACEUTICAL PREPARATIONS AND SUBSTANCES FOR THE TREATMENT OR DEFICIENCY OF CALCIUM OR VITAMINS, FOR THE TREATMENT OF OSTEOPOROSIS, GASTRO-INTESTINAL DISEASES, PAIN AND INFLAMMATORY DISEASES, RHEUMATISM, LOW BLOOD PRESSURE, CORONARY ARTERY DISEASES, RESPIRATORY DISTRESS SYNDROME IN PREMATURE INFANTS, CANCER, COMMON COLD, INFLUENZA, DISEASES IN THE MUSCULO-SKELETAL SYSTEM; ANALGESICS; HAEMOSTATIC PREPARATIONS; WOUND DRESSING; WOUND SPONGES; TISSUE SEALANTS; DIETARY SUPPLEMENT FOR MEDICAL USE; CALCIUM MINERALS FOR MEDICAL USE; CALCIUM CARBONATE FOR MEDICAL USE; MAGNESIUM MINERALS FOR MEDICAL USE; VITAMINS AND VITAMIN PREPARATIONS FOR MEDICAL USE; MINERALS FOR

MEDICAL USE; DIAGNOSTIC PREPARATION FOR MEDICAL USE; CONTRAST MEDIA FOR MEDICAL IMAGING, DRUGS FOR BLOOD AND BLOOD FORMING ORGANS FOR ANTI-CLOTTING; PREPARATIONS FOR TREATMENT OF DISORDERS IN THE CARDIOVASCULAR SYSTEM, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FOR: SURGICAL IMPLANTS CONTAINING ARTIFICIAL MATERIAL, SURGICAL SPONGES, WOUND FLEECE FOR SUTURE SUPPORT, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

OWNER OF INTERNATIONAL REGISTRATION
0774424 DATED 10-29-2001, EXPIRES 10-29-2011.

OWNER OF U.S. REG. NO. 1,546,929.

SER. NO. 79-012,435, FILED 4-8-2005.

PRISCILLA MILTON, EXAMINING ATTORNEY

Int. Cls.: 1, 5, 9 and 10

Prior U.S. Cls.: 6, 18, 26 and 44

United States Patent and Trademark Office **Reg. No. 1,546,929**
Registered July 11, 1989

**TRADEMARK
PRINCIPAL REGISTER**

NYCOMED

NYCOMED AS (NORWAY JOINT STOCK COMPANY)
NYCOVEIEN 1-2
OSLO, NORWAY 4

FOR: DIAGNOSTIC REAGENTS FOR SCIENTIFIC USE, IN CLASS 1 (U.S. CL. 6).

FOR: PHARMACEUTICAL PREPARATIONS, NAMELY, X-RAY CONTRAST AGENTS AND ANTI-INFLAMMATORY PREPARATIONS, IN CLASS 5 (U.S. CL. 18).

FOR: SCIENTIFIC APPARATUS FOR COAGULATION TESTING, IN CLASS 9 (U.S. CL. 26).

FOR: MEDICAL IMPLANTS FOR ORTHOPEDIC SURGERY, ORTHOPEDIC REHABILITATION EXERCISE MACHINES, AND INTRAVASCULAR CATHETERS, IN CLASS 10 (U.S. CL. 44).

OWNER OF NORWAY REG. NO. 126839, DATED 10-30-1986, EXPIRES 10-30-1996.

OWNER OF U.S. REG. NO. 1,352,284 AND OTHERS.

SER. NO. 681,863, FILED 8-31-1987.

MICHAEL A. SZOKE, EXAMINING ATTORNEY